IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE P.S.NARAYANA

-

WRIT PETITION NO : 17178 of 1997

Between:

IMTIAZ AHMED, S/o. Iqbal Ahmed,
R/o. Door No.7/78, Morthad,
Nizamabad District.

..... PETITIONER

AND

1 The Chief General Manager, Telecom,
A.P.Circle, Hyderabad.
2 The District Manager, Telecom,
Nizamabad, Nizamabad District.
3 Sub-Divisional Officer,
Armor, Nizamabad District.

..... RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ, Order or direction more in the nature of Mandamus declaring the action of the respondents No.1 in issuing blanket order in his Proc.TA/PR/23-26/96 DT. 4.2.1997, invalidating the licences to STD/ISD/PCO's issued after 31.10.1996 is highly arbitrary, illegal, violative of principles of natural justice and consequent action of respondents No.2 and 3 purported to have been acted upon by such orders of respondent NO.1 in disconnecting the petitioner's Public Telephone booth (STD/ISD/PCO) as illegal, arbitrary, contrary to rules to violative of principles of natural justice and further, restoring the Telephone connections to others who similarly placed with petitioners and ignoring the petitioner is discriminatory callous and supine indifference on the part of the respondents and to consequently direct the respondents to restore the petitioner's Telephone connection No.58641 forthwith in the interest of justice.

Counsel for the Petitioner: MR.M.SUBBHA RAO

Counsel for the Respondents: MR.L.RAVICHANDER

S.C. for Telecommunications

The Court made the following

ORDER:

The writ petition is filed seeking a writ of mandamus declaring the action of the respondents No.1 in issuing blanket order in his Proc.TA/PR/23-26/96 DT. 4.2.1997, invalidating the licences to STD/ISD/PCO's issued after 31.10.1996 is highly arbitrary, and the consequent action of respondents No.2 and 3 purported to have been acted upon by such orders of respondent No.1 in disconnecting the petitioner's Public Telephone booth (STD/ISD/PCO) as illegal, arbitrary, contrary to rules to violative of principles of natural justice and further, restoring the Telephone connections to others who similarly placed with petitioners and ignoring the petitioner is discriminatory callous and supine indifference on the part of the respondents and to consequently direct the respondents to restore the petitioner's Telephone connection No.58641 forthwith.

It is stated that the writ petitioner is a physically handicapped person and STD/ISD public telephone booth had been allotted to him. The writ petitioner has questioned the order of disconnection without affording any opportunity or without putting him on notice. By virtue of interim direction granted by this Court, in W.P.M.P.No.20839 of 1997, dated
25-07-1997, the telephone connection of the petitioner has been restored.

A counter affidavit, in detail, had been filed and it is stated that similar writ petition Nos.6470 of 1997 and 5948 of 1997 had been disposed of directing the Department to pass appropriate orders in relation to such telephone connections which are not legal connections after affording an opportunity to the respective writ petitioners. No doubt, specific stand had been taken that this writ petitioner also cannot claim any

right under the said allotment, which is an irregular allotment. However, in view of the fact that the writ petitioner was not put on notice nor was given any opportunity and also in the light of the interim direction, which had been granted by this Court, the following direction would be just and proper.

The respondents, if they choose to pass any appropriate orders, are directed to put the writ petitioner on notice and give reasonable opportunity to him and to pass appropriate orders in this regard.

Accordingly, the writ petition is disposed of. No order as to costs.

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P.S. NARAYANA, J

23rd February, 2005

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Chief General Manager, Telecom,
A.P.Circle, Hyderabad.
2 The District Manager, Telecom,
Nizamabad, Nizamabad District.
3 The Sub-Divisional Officer,
Armor, Nizamabad District.

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